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THE GULF CRISIS: ISSUES FOR CONGRESS

[Background paper and analysis by RPC staff Yvonne Bartoli and James Jatras]

Introduction

As the January 15 U.N. deadline for Saddam Hussein to withdraw Iraqi forces from Kuwait nears, the Senate must debate what may be the most important issue of the 102nd Congress — how to deal with Saddam Hussein.

The resolution of this issue is neither easy nor straightforward. Some alternative strategies have been put forth since the invasion. This paper addresses three possible scenarios:

- Continuing the policy of economic sanctions;
- Negotiating a diplomatic solution; and
- The military option.

In addition, these other important issues are analyzed:

- The implications of the Gulf crisis for the U.S. constitutional system and the power to make war;
- Projected costs of Operation Desert Shield; and
- How the burden is being shared by our coalition partners.

(NOTE: This updates an August 13, 1990 RPC paper titled, "Crisis is the Middle East: Talking Points." Consult the August 13 paper for more information on the governments and politics of Middle East nations.)

U.S. Gulf Aims

On September 11, 1990, President Bush stated the four goals of U.S. policy before a Joint Session of Congress:

- "Iraq must withdraw from Kuwait completely, immediately, and without condition.
- "Kuwait's legitimate government must be restored.
- "The security and stability of the Persian Gulf must be assured.
- "American citizens abroad must be protected."

In addition, discussions of U.S. objectives in the Gulf region have included concerns about Iraq's ability to strangle the world's economy by holding one half of its oil; the need to uphold international law and the inviolability of international boundaries; and the larger threat Saddam Hussein's massive military power represents to the region.

Scenario 1: Continuing Economic Sanctions

Background on the Use of Sanctions

On August 6, 1990 the United Nations Security Council passed resolution 661, imposing economic sanctions against Iraq. On August 25, the Security Council passed Resolution 665, outlawing all trade with Iraq by land, sea and air, as well as barring financial dealings between Iraq and all U.N. members. To enforce the embargo, U.S. military units were deployed to the Gulf region.

Benefits and Risks of Continuing Sanctions

The option to continue economic sanctions rests on a belief that after an unspecified period, Iraq's economy will be in ruins and Saddam will leave Kuwait. This option is intended to avoid a bloody battle where an uncertain number of U.S. personnel will be wounded or killed. Furthermore, some argue that if war must be waged, it would be less costly in terms of human life after the embargo has been given time to "bite." The lack of military supplies and a weakened economy will, according to the argument, reduce Iraq's ability to wage war.

On the other hand, there are a number of risks involved in continuing a sanctions policy. They fall into several categories: the effect on the coalition; the possibility that trade will continue despite the sanctions; and the effect on the military option.

Saddam is trying to fracture the military and political coalition arrayed against Iraq by appealing to Arab unity against the "imperialist" West. While the coalition has successfully weathered such propaganda efforts, strains have begun to appear even among the Western allies. The latest example — France has indicated a willingness to broker a peace settlement. The longer the coalition must be maintained, the greater the chances of divisions.

There is also the question of whether the nations currently refusing to trade with Iraq will be able to keep up the embargo for some months without creating economic problems for themselves. Some countries, such as Jordan and Turkey, are now receiving funds from alliance partners to help alleviate economic hardships from the embargo. However, the longer the embargo continues, the greater the chance that economic strains could lead some countries to demand more money to offset the damage, or reinstate trade with Iraq.

Even if the governments of Turkey and Jordan maintain the embargo, there is still the problem of smugglers. Black marketeers have invented new and resourceful ways to bring contraband into Iraq. [*Wall Street Journal*, 12/5/90, p. 1] These actions can undermine the foundation upon which the sanctions policy is based. Granted, the black marketeers will not provide Iraq with all of its needed goods; however, illegal trade can extend the time needed for sanctions to bite.

Waiting for sanctions to work could also be risky for military reasons. Some argue that the longer we wait for sanctions to work, the more difficult it would be to resort to force at a later date. First, the U.S. would find it difficult to maintain 430,000 troops in Saudi Arabia for an extended period. Second, once U.S. troops are rotated home, it will be costly — in monetary and political terms — to redeploy them. Third, a scaling down of U.S. forces will reduce our offensive capability to wage a successful war and the option of taking military action in case sanctions fail.

As the risks above indicate, it is not at all certain that an extended sanctions policy can be maintained long enough to eject Saddam from Kuwait. Moreover, if the U.S. draws down its offensive capability, Saddam's confidence would be increased and that of allied countries reduced, thereby making the coalition much more fragile. In addition, Saddam might hesitate to withdraw from Kuwait even if sanctions were quite damaging, for fear that backing down would weaken him politically or even provoke an internal coup.

Political Ramifications of Continued Sanctions

Holding the military option in abeyance while continuing economic sanctions for an extended, unspecified period would blunt the crisis perception of the Gulf situation. The Iraq/Kuwait issue would begin to recede into the "background noise" of a troubled and turbulent region, eventually being relegated to an item on a long list headed by the Israeli/Palestinian conflict, terrorism and foreign hostages, the rise of militant Islamic movements, Western oil dependency, rivalries among the Arab countries, and the Syrian *de facto* takeover of Lebanon. Added to these are problems on the periphery of the region: the continued course of the Shi'ite revolution and Azerbaijani separatism in Iran, the civil war and separatist movements in Ethiopia, the Cyprus dispute, the unravelling of

Soviet rule in Georgia, Armenia, and Azerbaijan on the northern frontier of the region, and the Kurdish separatist guerrilla war in Turkey, Syria, Iran, and Iraq.

Under this scenario, Iraq would be seen as having won — at least for the time being. The image of Iraqi aggression as intolerable, necessitating an immediate redress, would be replaced by that of a long-term "problem" to be "managed" by the interested powers. Iraq would be afforded ample time to arrange a diplomatic solution (see Scenario 2), while Iraq's military power would remain largely intact. Iraq would also have the opportunity to try to subvert the economic blockade. While some observers believe sanctions would be effective [see "War Should Be a Last Resort," by Senator Nunn, *Washington Post*, 1/10/91, p. A21], the note of political relaxation signalled by the anti-Iraq coalition in deferring the war option would help to undercut the blockade, which would become increasingly porous.

Retreating from our initial maximalist position of demanding unconditional Iraqi withdrawal from Kuwait by a date certain, the U.S. would find itself faced with an increasingly onerous, expensive, and demoralizing deployment of a massive force in an inhospitable locale. American prestige in the Middle East and worldwide would suffer from the appearance of having been unable to achieve clearly-defined, decisive goals as leader of the international community. Problems would arise with our coalition partners, particularly the Saudis, and would have a domestic impact, among them the need to establish the status of a large U.S. force in Saudi Arabia for an extended period. (This would be very difficult in view of the dominant Wahabi sect's hostility to the practice of non-Islamic religions and their negative attitude toward female personnel in the U.S. forces.) Domestic support for the U.S. presence would in all probability erode as the need for troop rotation arises, reserve commitments expire (in that vein, on January 9, Defense Secretary Cheney stated that he would request emergency authority to mobilize up to one million reservists for up to two years, although he had no plans to do so), and the cost, in both personnel (accidents) and materiel (heightened desert attrition rates) climbs. The "emergency" quality of the crisis would fade in the mind of the American public, limiting the domestic political viability of a resort to arms if sanctions were to fail in removing Saddam from Kuwait. This would possibly lead to a diplomatic compromise, if not to Iraq's outright retention of its conquest.

In an extended-sanctions scenario, Israel would be a major loser. Iraq's military threat would not have been destroyed, and in light of what could be viewed as an "American defeat," Saddam's increased prestige in the Arab world would redound to Israel's disadvantage. The Arab countries, including such coalition partners as Syria and Egypt, would increasingly moderate their opposition to Iraq, as Saddam cements his role as the Arab flag-bearer against Israel. Saddam's treatment of Kuwait as an issue comparable to the "occupied territories" of the West Bank and Gaza would gain in plausibility, while the Palestinian *intifada*, backed by Iraq, would intensify. The continued (mostly Palestinian) death toll, as well as Israel's recent return to the practice of expelling *intifada* leaders, would ensure that the Israeli "occupation problem" generates a more constant and visible stream of "bad press" than Iraq's occupation of Kuwait. As indicated by American support of the anti-Israel resolution in the U.N. relating to international investigation of the Temple Mount shootings, the U.S. would likely become a more visible critic of Israel in an attempt to preserve Arab support for the anti-Iraq effort. Eventual U.S. support for an international peace conference to address the Israeli/Palestinian issue cannot be ruled out.

Scenario 2: A Diplomatic Solution

Background for a Diplomatic Solution

Prospects for a diplomatic solution to the Gulf crisis appeared dim upon the breakup of the January 9 talks in Geneva between U.S. Secretary of State James Baker and Iraqi Foreign Minister Tariq Aziz. As had been the case prior to the meeting (which lasted for more than six hours, much longer than expected), the United States continued to insist on total, unconditional Iraqi withdrawal from Kuwait by January 15, in accordance with Security Council Resolution 678, before other issues could be addressed. The Iraqis stuck by their insistence that they were willing to negotiate all points of difference with the United States but would not unconditionally knuckle under to threats and ultimata. Nonetheless, President Bush stated, "I have not given up on a peaceful outcome. It's not too late." [*Washington Post*, 1/10/91, p. A1]

Despite the seeming impasse, a number of countries (notably France, Algeria, and Jordan), as well as the European Community and U.N. Secretary General Javier Perez de Cuellar, continued diplomatic activity directed toward a settlement that would avoid the outbreak of hositilities after January 15. While it is difficult to see how the United States and Iraq can be moved from their respective positions toward a compromise, the outline of a probable settlement is fairly clear.

Possible Elements of a Diplomatic Solution

Any potential resolution of the crisis could involve some or all of the following items.

- Iraqi pullout from Kuwait and restoration of the al-Sabah family to power.
- Kuwait's ceding or leasing to Iraq Bubiyan and Warba islands, two patches of uninhabited swampland controlling access to the Persian Gulf of Iraq's port city Umm Qasr. Iraq's other outlet to the sea, the Shatt al Arab waterway, is shared with longtime enemy Iran.
- An Iraqi/Kuwaiti agreement on conflicting financial claims, including: control of the Rumaila oil field (which straddles the border between the two countries); Iraqi claims that Kuwait had stolen about $2.4 billion worth of oil from Rumaila; Iraq's debt to Kuwait of $10 - $20 billion from loans made during the Iran-Iraq War (during which Kuwait was Iraq's biggest financier); and Iraqi compensation to Kuwait for damages from the August 1990 invasion and its brutal aftermath.

- Lessening Iraq's military threat to the region, including reduction of its million-man army, destruction of its chemical/biological arsenal and production facilities, and international guarantees that Iraq is not acquiring a nuclear capability. Arrangements may include an international monitoring and police role, including a permanent foreign presence in the Gulf.

- The convening of an international conference to address a comprehensive Middle East peace, including the Palestinian issue and Israeli control of the West Bank and Gaza.

Political Ramifications of a Diplomatic Solution

A diplomatic resolution to the crisis would presumably involve some compromise of U.S. demands. Prospects for a continued American presence in the region would be mixed: on the one hand, the U.S. would be a likely guarantor of the peace settlement and might have a specified peacekeeping role for the protection of Saudi Arabia and the Gulf states. On the other hand, many of our Arab partners would see our continued presence as an irritant and as a lightning-rod for domestic anti-Western sentiment stirred up by the Gulf confrontation, and ripe for exploitation by Iraq.

Saddam Hussein could emerge as the Arab "superman" of the Middle East if he is perceived as having stared down the world's greatest power, even though he would not have succeeded to the extent he had hoped (Kuwait would not disappear from the world map as "Province 19," as it is now designated by the Iraqis). For example, achievement of a U.S.-supported Middle East conference, long advocated by the Arabs and resisted by Israel and the United States, would be an important gain. Focused on Israel's control of the West Bank and Gaza, such a conference would inevitably cast the Israelis in the role of "aggressor" as currently played by Iraq in Kuwait. It is probable that international controls designed to rein in Iraqi military power would be increasingly unenforceable, as currently hostile Arab oil states, including the Saudis and the Kuwaitis, are forced to reconcile themselves to (and ultimately subsidize) the growth of Iraqi power. Western countries (in time, even the United States) could be forced to reckon with — or achieve a "detente" with — an emerging Arab superpower.

Israel's situation would be increasingly precarious, with the prospect of a growing Iraqi threat that it would have to face essentially alone. If Iraq's chemical/biological and nuclear capabilities increase, despite any agreed-upon controls, Israel would be faced with the choice of acceding to Iraq's becoming a nuclear power or taking unilateral action. It is impossible to rule out that Israel would have to replay periodically its 1981 bomb attack on Iraq's nuclear reactor at Osirik, although such action will become progressively less effective. In addition, such preventive actions on Israel's part, coupled with events on the West Bank and Gaza, will further Israel's diplomatic isolation. Western powers, now including the United States, would take stronger positions in support of Arab demands for Palestinian statehood.

Syria's president Hafez al-Assad would be a major loser, and his long-term prospects for survival would be poor. While he, like the rest of the Arab world, would try to reorient to a pro-Iraqi stance, he is probably irredeemably unacceptable to Saddam Hussein both because of his bitter rivalry for leadership in the Ba'ath Arab Socialist movement, and because, as an Alawite, he is a member of a religious minority despised as heretical by the vast majority of Arab Muslims. Islamic

fundamentalism, however, will be eclipsed by Arab nationalism; while the former is capable of exploiting the latter for its mobilizational value — as the secular, socialist Saddam Hussein has appealed to the Arab masses to save the Islamic holy cities of Mecca and Medina from American "desecration" — its modernizing tendencies will ultimately undermine Islamic values. Conversely, unlike Islamic fundamentalism, Arab nationalism has no appeal for Iraq's non-Muslim neighbors. Non-Arab powers in the region (Turkey, Iran) will be wary of the growing power of the Iraqi-led Arab world and will seek to limit their involvement in intra-Arab affairs.

Scenario 3: War

Background on the Decision to Go to War

Supporting the option of war is logical only if all other choices are worse in the long run. For instance, if one believes that the complete and unconditional withdrawal of Saddam from Kuwait is essential for long-term world peace, and sanctions or diplomacy cannot deliver such a result, then war becomes the logical — if tragic — option.

Three General Approaches

Three general approaches, if there is war, are often discussed. First, the U.S. could use air power only. Second, we could combine air power with a limited ground attack with armored forces. And third, the U.S. could combine air power with a full-scale ground assault. Taken in turn, each escalation of force employed under the three options minimizes chances of failure but carries the risk of a greater number of casualties.

(See Appendix for the balance of military forces in the region.)

Costs and Benefits of War

While these approaches may be illuminating, what is more helpful for the policy-maker is an understanding of the issues and trade-offs that must be addressed before the U.S. commits itself to military action in the Gulf.

If the military option is considered, the first question is what should be our military goals? Are they limited to liberating Kuwait, or more far-reaching, such as removing Saddam Hussein from power and reducing his military capability, including his nuclear potential?

For instance, a military effort aimed at deposing Saddam and obliterating his military and political machine would be more costly in lives lost and money spent than a limited approach.

But ejecting Saddam from Kuwait will also have costs. For instance, would Saddam consider his loss of Kuwait as an effective death sentence for him, that would be imposed some months later during an internal Iraqi coup? If so, then we can expect Saddam to commit all of his forces to win a military and political victory, thus increasing costs to the U.S. government and people.

If it is judged that sanctions or diplomacy will not succeed, then there are four benefits of war.

Going to War Now vs. Later

A U.S. military effort would be less costly today than if the U.S. were drawn into a war years from now, after the failure of sanctions and diplomacy. A few years from now Saddam may be more powerful politically and militarily. His arsenal may have not only chemical and biological but possibly nuclear weapons, capable of killing many more people than in 1991.

War as a Deterrent to Other Nations' Aggression Against Their Neighbors

The American response to Saddam's aggression will signal other nations that aggression will not pay. A U.S. military response to eject Saddam from Kuwait could deter other nations with similar aspirations from invading neighbors to "settle" territorial or other disputes. The credibility of U.S. forces and our will to deploy them will further deter other countries from aggression, creating greater stability worldwide.

Enhanced Regional Stability

A reduction of Iraq's massive military establishment, presenting a lessened threat to neighboring countries, could reduce prospects for conflict in the region.

Reduce the Political Power Base of Saddam Hussein

A war could create cracks in Saddam's otherwise sturdy political power base. The defeat of Iraqi forces — following the bloody and inconclusive Iran/Iraq war — would greatly reduce the likelihood of Saddam's survival. The chances of an internal coup would be increased greatly.

These long-term benefits, however, would be limited. For example, will removing Saddam from power bring peace and stability to the Middle East? Probably not. Although a stable Kuwait may be restored and the Saudi and Gulf emirates might rest easier, the strains imposed by the relentless advance of modern Western society, as well as the historical political infighting in the Middle East, will continue to ensure turbulence.

Finally, if the war option is chosen, can we be assured that a new Iraqi president will be any less ambitious or any less bellicose than Saddam Hussein? Surely even a new leader would be hesitant to give up, unilaterally, Iraq's chemical and biological weapons, especially with proliferation expanding at an alarming rate in the Middle East.

The Uncertainties of War: The Incalculable Costs

In a war with Iraq, whether the goal is to liberate Kuwait or remove Saddam from power, there will be many imponderables, such as:

- How many casualties can we expect? Hundreds, thousands, tens of thousands? Some analysts estimate that combat casualties could reach 30,000, of which anywhere from 8,000 to 10,000 would die. But other experts say this figure is exaggerated. General William Odom, former head of the National Security Agency, in testimony before the Senate Armed Services Committee, estimated a casualty figure of 3,000 to 10,000. [Hearing of the Senate Armed Services Committee on the Persian Gulf Crisis, Testimony by General William Odom, 11/30/90, p. 91.]

- Morale is one of the great imponderables of war. Are the Iraqi people and military battle-weary after eight years of war with Iran, or are they ready and sufficiently trained for another conflict? A war-weary force will be less willing to sustain more bloodshed and less willing to fight. If they surrender or prove unwilling to fight, the job of the U.S. military will be easier. But after eight years of battle, the Iraqis may also be an effective, well-primed fighting force. Also, to what extent can Iraqi resolve be expected to stiffen if U.S. forces enter Iraq?

- What is the financial cost? Bear in mind that much destroyed U.S. equipment will not be replaced, and was due to be mothballed soon, as U.S. forces are being reduced because of arms control treaties and because of a reduced Soviet threat. (See page 16 for a more detailed analysis of the cost factor.)

- Will the Iraqis use of SCUDS and terrorism allow them to extend the war to Saudi Arabian oil fields, Israeli cities, or allied air fields? Such long-range attacks could weaken allied military power and cause political disruption, especially if Israel was perceived by Arabs to be visibly involved in the war.

- Will equipment untested in desert conditions work as anticipated? For instance, the U.S. Abrams and British Challenger tanks, and the European Tornado aircraft, have never been used in battle and were not designed for the heat and sand of the Saudi desert.

- Will a long, or even a short, war split the cohesion of the U.S.-led alliance? For example, anti-American feelings in Islamic countries could grow more powerful as the war continues, especially if Israel became involved. As time goes on, terrorism could increase, spurred by widespread dislike of American policy. Saddam could be expected to continue his efforts to spark anti-American sentiment in the region.

- Are Iraqi air defenses up to the job of shooting down U.S. aircraft? The Iraqis have acquired some 144 U.S.-made Hawk anti-aircraft missiles captured from Kuwait. It is uncertain whether the Iraqis have learned how to use these weapons.

- Will Hussein resort to chemical and biological warfare? If so, when? Iraq can use artillery to wage chemical warfare. It is known that Iraq has surface-to-air missiles, which some analysts believe can be mated with chemical agents to disperse warheads several hundred miles, as far as Israel, central Saudi Arabia, and the Soviet Union. If he uses these abhorrent weapons, world public opinion would condemn the act, and could strengthen the coalition and the will of the American public to support the war effort.

This list does not claim to be exhaustive; it merely attempts to point out some of the risks that could be involved in pursuing the war option.

Political Ramifications of War

As is always the case, predicting the outcome of war is an uncertain endeavor. This is true in the Persian Gulf crisis, with the widely varying military scenarios and the complicated mix of motivations among the participating states. Given the volatility of the region, and the promise (repeated by Foreign Minister Tariq Aziz on January 9) that Iraq would "absolutely" attack Israel if America attacked Iraq, a Gulf war's possible degeneration into a regional free-for-all — with completely unpredictable consequences — should be kept in mind. However, if the war unfolds roughly according to projections (allowing for variables as to the duration and intensity of the fighting, the number of casualties, and so forth) certain constants can be discerned in the political results of the probable outcome.

Virtually all observers project, in the event of war, the victory of the U.S.-led forces. If any prospect of a U.S. defeat is definable, it would have to be understood more in political than military terms. Parallel to the U.S. defeat in Vietnam but on a shorter time scale, Iraq would have to make continued prosecution of the war politically untenable in the United States. Iraq would strive to make the war a long and bloody process, while hoping for the defection of U.S. allies by an attack on Israel. In addition, Iraq may sponsor terrorist attacks both in the region, against U.S. allies, and in Europe; the possibility of terrorism even in the United States cannot be excluded. In the event of an imminent allied ground offensive, Iraq would be tempted to use chemical weapons to slow the American assault, especially since chemical or nuclear retaliation is unlikely. Setting Saudi oil facilities afire, using missiles and sabotage, along with mining the Straits of Hormuz (which control access to the Gulf) would result in a dramatic worldwide rise in oil prices, in addition to the already substantial increase that would accompany the onset of hostilities. All of these measures would be coupled with numerous peace feelers by Iraq. In short, the Iraqis would be aware that they must win the war in America, not in Kuwait.

If Iraq were to win, the United States would suffer a humiliating defeat that will eclipse that of Vietnam, with profound and enduring consequences both domestically and in terms of America's place in the world. Saddam Hussein, on the other hand, would in all likelihood assume the proportions of such giants of the Arab and Islamic world as Gamal Abdel Nasser and Saladin.

More likely, however, most analysts believe that U.S. arms will prevail over Iraq at a cost considered tolerable by the American people, in light of what are perceived to be unacceptable alternatives. America would have established its preeminent place in the "Post-Cold War Era," the leader of a powerful international coalition. Far from receding into an isolationist "Fortress

America," the U.S. could for all intents and purposes emerge as the single world power, the focus of a unipolar "Pax Americana" in an increasingly peaceful and democratic world entering the 21st Century.

In all likelihood an Iraqi defeat means death for Saddam Hussein, either in the course of U.S. strikes against Iraqi command centers or at the hands of an internal coup. Even if he survives, U.S. suggestions of a war crimes tribunal should be taken seriously. Iraq would suffer heavy destruction, with its military machine and economic infrastructure in ruins. Depending on when Iraq capitulates, there is a possibility of foreign occupation, as well as territorial encroachment by Iraq's neighbors.

Even victory, however, will not be without its problems. The cause of Arab nationalism will not disappear, and we can expect a certain backlash, of unpredictable intensity, against the U.S. presence in the Arab world and the shedding of a substantial quantity of Arab blood. As early as August, some of our Gulf allies, notably Egypt, warned that they would not be part of a military thrust into Iraq. Taking advantage of nationalist sentiments, Syria is the most likely candidate to attempt to pick up the mantle of Arab leadership dropped by Iraq, leading an intensified Arab campaign against Israel. American relations with Syria will be problematic, based both upon our desire to retain good relations with our Arab allies, and concern that Syria may become the future threat to the region now presented by Iraq. In that regard, Syria and the forces of Arab nationalism can be expected to be no more friendly to the oil-rich monarchies than was Iraq. Nonetheless, the Saudis, Kuwaitis, and the Gulf states would feel they have little choice but to pay the customary "protection money" to Syria in an effort at appeasement.

At the same time, the United States will face collateral political consequences, both domestic and international, added to the cost in lives and resources, which even in successful wars may be substantial. Domestically, we may face, for the first time since World War I, a number of veterans suffering debilitation from poison gas. In addition, there may be substantial discussion regarding military personnel policy, including the "disproportionate burden" of the war on minorities and the poor, as well as upon reservists. For the first time ever, we may have to accept a substantial number of female war casualties, among them mothers of small children, leading to a reexamination of the role of women in the armed forces, and perhaps in other social roles as well. All of these and other issues will involve the question of special compensation for Gulf war veterans.

Internationally, we will have to examine prospects of a long-term intrusion of the United States into the Middle East, in political terms if not with a large military presence. We may find ourselves locked into an uneasy support relationship with the Gulf monarchies and Saudi Arabia, while the forces of Arab nationalism and Islamic revival undermine their long-term survival prospects. Also, there will be an examination of the cost of U.S. overtures to such repressive states as Syria, China, and the Soviet Union for their support in the Gulf. We may suffer in other world regions important to us while concentrating on the Gulf crisis. For example, the Soviets are already taking steps to rein in the Baltic states' drive for independence. As of January 10 [CBS radio news] Soviet President Gorbachev was accusing Lithuanian leaders of "counterrevolutionary activities" with the purpose of reinstating a "bourgeois" social order — uncharacteristically hardline communist terminology with ominous implications. If, as Soviet Foreign Minister Shevardnadze and others have warned, Gorbachev is moving toward a new dictatorship, even the violent reimposition of communist orthodoxy as a means of saving the Soviet system, the U.S. may inadequately respond because of Gulf priorities. [see "Selling Out the Baltics," *New York Times*, 1/8/91, p.A21]

Israel's position will also be mixed. On the one hand, the most immediate threat to Israeli security, presented by Iraq, will have been neutralized. On the other hand, Syria, located on Israel's border, may soon appear just as dangerous. Having inserted itself into Arab politics, the United States would be expected to steer a more pro-Arab course in an attempt to maximize its influence in the region.

The vacuum left by Iraq's defeat will not long remain. In addition to Syria's enhanced political power in Arab politics, other nations may take the opportunity to realize territorial gains at Iraq's expense. A Kurdish desire to carve an embryonic independent state of Kurdistan out of a weakened Iraq will conflict with a Turkish interest in annexing the oil-rich northern Iraqi region surrounding the cities of Mosul and Kirkuk. Indeed, annexation of the area would give the Turks the additional advantage of crushing the staging area of Kurdish separatists active in Turkey. However, despite Saddam Hussein's ruthlessness against Iraq's Kurds, their situation under the Turks would hardly be an improvement. Turkey's Kurdish minority of 3-4 million is forbidden to speak Kurdish in public and is subject to stern counterinsurgency measures; indeed, Turkey refuses to even admit there are Kurds in Turkey — there are only "Mountain Turks."

Iran's religious appeal to the large Shi'ite population of Iraq and the Gulf states met with little success during the Gulf War, but a renewed Iranian quest for Gulf leadership should be expected. Iraq has already returned to Iran the former's meager gains from the Gulf war (including sole control of the Shatt al Arab waterway) in an effort, partially successful, to enlist Iran's assistance in evading U.N. sanctions. A U.S. war against Iraq would probably see Iran attempting to maximize the length of the war and the damage suffered by both sides.

OTHER ISSUES FOR CONSIDERATION

The U.S. Constitution, the United Nations, and the Power to Make War

The issue of going to war in the present circumstances involves three distinct issues:

- The Congress's sole power to "declare war" pursuant to Article I, Section 8 of the Constitution, as opposed to the President's designation as "Commander in Chief" of the armed forces pursuant to Article II, Section 2;

- The constitutionality and applicability of the "War Powers Resolution" (P.L. 93-148) of 1973, and the President's obligations under it. It was passed over President Nixon's veto, and requires the President to report to Congress any introduction of U.S. forces into hostilities or imminent hostilities. When such a report is submitted, or required to be submitted, it triggers a requirement that the presence of forces must be terminated within 60 to 90 days unless Congress authorizes them to remain longer. The Executive Branch has not accepted the constitutionality of the "War Powers Resolution" but has generally acted consistently with it; and

- Any other grants of authority to the President, or obligations placed upon the United States by international agreement, such as the United Nations Charter.

Prior to the beginning of Congressional debate on the Gulf crisis there were three resolutions before the Senate:

S. Res. 8. (Harkin). The Harkin resolution finds that (1) the Constitution "vests all power to declare war in the Congress," and (2) "any military action taken by the United States against Iraq must be pursuant to an explicit authorization by the Congress before such action may be initiated."

S. Res. 9. (McCain). The McCain resolution (1) expresses Senate support for "bipartisan efforts to bring a just and meaningful peace to the Persian Gulf region," (2) expresses support for the President and U.N. Resolution 678, (3) expresses support for "the goals and objectives of Operation Desert Shield," and (4) and "urges the United States Armed Forces to continue to develop a strategy, plans, and contingency capability to achieve a quick, decisive victory in the event the use of military force against Iraq becomes necessary."

S. Res. 10. (D'Amato). The D'Amato resolution states that the President should request Saudi Arabia to pay (1) "the full cost of Operation Desert Shield," (2) "an amout sufficient to establish a fund" to recompense U.S. reservists called to active duty for the difference between their civilian and military pay, (3) "an amount sufficient to reimburse the United States" for the $7 billion in loan forgiveness extended to Egypt, and (4) "an amount to be agreed upon to offset the adverse impact on the U.S. economy resulting from higher oil prices caused by the Persian Gulf crisis."

On January 8 President Bush had dispatched to the bipartisan leadership of both Houses a letter in which he asked for adoption of a resolution "stating that Congress supports the use of all necessary means to implement U.N. Security Council Resolution 678." The words "all necessary means" are themselves taken from Resolution 678, and should be understood to mean a clear go-ahead for the President to take military action against Iraq after January 15.

However, Majority Leader Mitchell responded with a January 10 resolution (S.J. Res. 1) that includes the following points:

- A Congressional authorization for the use of American military force specifically for enforcing the U.N. embargo against Iraq, to defend Saudi Arabia, and to protect American forces;

- A continuation of sanctions and diplomacy before using force to eject Iraqi forces from Kuwait; and

- An explicit reservation to the Congress of the power to declare war, along with a promise to expeditiously consider a presidential request for a war declaration, with a mechanism for such consideration.

In turn, Republican Leader Dole plans to introduce another resolution closer to the President's request.

Curiously, neither the first three resolutions introduced (S. Res. 8, 9, and 10) nor that of Senator Mitchell specifically authorize the President to use force against Iraq to liberate Kuwait, either in the form of a Declaration of War, or in the form of an authorization pursuant to the "War Powers Resolution" of 1973. (On January 9, however, the President indicated his willingness to accept a resolution from Congress citing the "War Powers Resolution." One Administration official commented that, "We acknowledge the law's existence, but we are not conceding its constitutionality." [*Washington Times*, 1/10/91, p.A8]) The Harkin resolution, which invokes Congress's war-making authority, neither seeks to grant war authority nor does it include any specific mechanism to effectively stop the President from going to war in the absence of such a grant of authority. In any case, there are those who believe that Congress has power over the President in this area.

In his January 8 letter the President requested that Congress confer the same broad authority as contained in Security Council Resolution 678 ("all necessary means"), although numerous statements from the Administration indicate that President Bush may believe himself empowered to act even in the absence of Congressional action. Or to put the Administration's position in positive terms, while Congressional support may be desirable, the President can send U.S. forces against Iraq solely upon his authority as Commander in Chief. Among the arguments often cited for such presidential authority are:

- Since the founding of the Republic, U.S. forces have been sent into action abroad on some 215 occasions. Congress, however, has declared war only on five occasions: the War of 1812, the Mexican War of 1846, the Spanish-American War of 1898, World War I declared in 1917, and World War II declared in 1941. The large majority of these examples, however, were minor affairs not generally thought of as "wars" in the usual sense of the word;

- The Congress only **declares war**: i.e., finds as a formal matter that the United States is in a status of hostilities with a foreign power. The President, as Commander in Chief, can nonetheless use military forces as he deems necessary or **"make war"** i.e., start hostilities by committing forces to combat. Some Constitutional scholars, however, would argue that the *Federalist Papers* and the deliberations of the Constitutional Convention of 1787 demonstrate that the original intent of the Framers was that the power to commit the nation to war should not be vested in a single man; and

- Since initiating the blockade against Iraq in August 1990, we have been engaged in what would be, under customary international law, an act of war, if undertaken without U.N. authorization. Thus, since we are already "at war" in this sense, we need not declare war. This seems to minimize the momentous nature of the decision facing the United States as of January 15 — the difference between technical war and real war.

Aside from the issue of separation of powers under the U.S. Constitution, the emerging U.S. relationship in the United Nations system, with its implications for U.S. sovereignty, deserves some scrutiny. President Bush has on several occasions — most recently on January 9 after the Baker/Aziz meeting in Geneva — referred to the "New World Order" that is in jeopardy if Iraq's aggression against Kuwait is allowed to succeed. In the same vein, the President and others speaking on behalf of the Administration have referred frequently to the 12 anti-Iraq resolutions passed by the U.N. Security Council, particularly Resolution 678, as "authority" for the use of force. This is particularly noteworthy in the context of the President's lack of emphasis on Congress's warmaking responsibilities under the Constitution, leading to what appears to be a tilt toward multilateral, as opposed to national, claims of warmaking authority.

As an illustration, in support of the President's policy, University of Virginia law professor John Norton Moore cited a relevant passage from a Senate Foreign Relations Committee Report on the U.N. Participation Act of 1945:

> "Preventive or enforcement action by these forces upon the order of the Security Council would not be an act of war but would be international action for the preservation of peace and for the purpose of preventing war. Consequently, the provisions of the [United Nations] Charter do not affect the exclusive right of Congress to declare war." [*Washington Times*, "For More Than One Reason," 12/18/90, p.G4]

Clearly, the Senate needs to examine, in light of the current crisis, the relationship of the Constitution, as the "supreme law of the land," to treaties and other international obligations entered into pursuant to it, and the consequences for American national sovereignty.

Cost Of The Operation

The Administration has been silent on how much it could cost to maintain U.S. forces in the Gulf in 1991. House Democrats Richard Gephardt and Charles Schumer estimated the cost at $37 billion, critics claim this is exaggerated, and that the actual tally would be billions less — so long as there is no shooting war, in which case the costs would be difficult to anticipate.

But many factors, such as changing oil prices, contributions from foreign allies, and the size of the force remaining in the Gulf, could also change those numbers. For instance, the above estimates are based on a contingent of 430,000 U.S. troops in Saudi Arabia for a full year, assuming no outbreak of hostilities. If a diplomatic solution is reached and the number of U.S. forces is scaled down, then obviously the cost of maintaining forces in the Middle East would decline.

Any evaluation of the costs associated with the Gulf crisis can be adjusted up or down, depending on what the analyst wants to convey. For instance, we must remember that the U.S. would be paying soldiers' salaries whether they are in Alabama or Saudi Arabia, although combat pay is slightly higher than active duty pay. And, some of the U.S. equipment used up or destroyed in the Gulf will not be replaced because of the shrinking size of the military and arms control agreements.

Although much money could be saved by cutting back on military preparations, if Saddam holds Kuwait and Iraqi oil assets, and manages to destroy Saudi oil fields, the price of oil would rise, costing the U.S. government and taxpayers billions of dollars.

We will have a better idea of how much the Gulf operation could cost by February, when Congress will probably be considering a supplemental appropriations bill. Until that time, we should be wary about any unofficial cost "guesstimates."

Burdensharing: Contributions From Coalition Partners

The Gulf crisis has seen unprecedented cohesion among almost all nations of the world. The near-unanimous vote on the U.N. Security Council resolutions condemning Saddam's action, calling for his withdrawal, and sanctioning the use of force illustrates the world's commitment to seeing Saddam ejected from Kuwait.

But some countries have gone even further than merely casting a vote in favor of U.N. resolutions — they have contributed money, personnel, and forces to the military effort. For instance, as of December 12, 1990, foreign countries had pledged $11.7 billion to the operation, of which almost $5 billion has been recently received by the U.S. Since then, additional support has been pledged. Table 1 gives an idea of the military assets contributed by foreign countries.

Table 1

MAJOR FOREIGN COUNTRIES' MILITARY CONTRIBUTION TO THE GULF

Country	Troops	Tanks	Aircraft
Egypt	35,500	600	20
Britain	25,000	168	55
Syria	20,000	300	-
Saudi Arabia	20,000	200	130
France	12,000	200	75
Total Allied	**112,000**	**1,468**	**280**

Other countries supporting operation Desert Shield include: Argentina, Australia, Bahrain, Bangladesh, Belgium, Canada, Denmark, Germany, Greece, Italy, Morocco, Netherlands, Niger, Norway, Oman, Pakistan, Qatar, Senegal, Spain, and Czechoslovakia. [Information provided by the Department of Defense.]

NOTE: Since new deployments continue on a regular basis, these numbers may not reflect all military and support equipment in the Gulf as of January 15, 1991.

APPENDIX : THE MILITARY BALANCE

COUNTRY	TROOPS	TANKS	ARMORED PERSONNEL CARRIERS	ARTILLERY	HELICOPTERS
US	300,000①	1,200①	2,000	500②	1,000
Allies	113,000	1,285	1,350	443	157
TOTAL US PLUS ALLIES	**413,000**	**2,485**	**3,350**	**943**	**1,157**
TOTAL IRAQ	**510,000**	**4,000**	**2,500**	**2,700③**	**160**

① By early 1991, the US expects to have 430,000 troops in Saudi Arabia, which would bring the total allied ground troop number to 543,000, with over 2,000 more tanks.

② Likely to grow, including many long-range systems, directed by sophisticated sensors.

③ Much is towed artillery, vulnerable to air and artillery attack.

NOTE ON TANKS

US tanks include:	500 M1s; 200 M1A1s; 500 M60s
Allied tanks include:	270 T-62s; 300 M60s; 168 Challengers; 547Other
Iraqi tanks include:	3,500 T-55/T-62s; 500 T-72s

NOTE ON SEA POWER IN THE REGION

US Carriers:	3, with 3 en route
US battleships:	2
US combat aircraft:	300 + 300 more on the way
US warships:	50
Allied warships:	50

[International Institute for Strategic Studies, *The Military Balance*, 1990-1991; *US News and World Report*, 1/14/91, p. 29]